

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SAMUEL F. VALDEZ,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,  
et al.,

Defendants.

CASE NO. C20-5189 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Brian A. Tsuchida, United States Magistrate Judge. Dkt. 30.

Plaintiff Samuel Valdez, who is currently incarcerated at the Stafford Creek Correction Complex, filed a pro se complaint under 42 U.S.C. § 1983 against the Department of Corrections, the State of Washington, Yvette Stubbs (legal liaison), and “Grubbs” (counselor of A pod). *Id.* at 1 (citing Dkt. 5). Valdez alleges violations of his civil rights related to access to proceedings in an underlying civil lawsuit during his incarceration. In June 2020, Defendants moved to dismiss, Dkt. 12, and on November 6,

1 2020, Judge Tsuchida issued the instant R&R, recommending that the Court grant the  
2 motion to dismiss and dismiss Plaintiff's claims with prejudice, Dkt. 30.

3 On December 22, 2020, Valdez filed a motion for enlargement of time to file  
4 objections to the R&R and to appoint counsel. Dkt. 33. The Court denied his motion to  
5 appoint counsel but granted his motion for enlargement of time. Dkt. 35. The Court  
6 granted a 60-day extension due to the Stafford Creek Correction Complex's COVID-19  
7 restrictions on access to the prison law library and allowed Valdez to renew the motion if  
8 the library was still closed at the end of the 60-day extension. *Id.* at 2. On March 31,  
9 2021, Valdez renewed his motion for enlargement of time. Dkt. 36. The Court again  
10 granted him an extension due to COVID-19 restrictions. Dkt. 38.

11 On May 26, 2021, Valdez again filed a motion for enlargement of time or, in the  
12 alternative, to appoint counsel. Dkt. 39. The Court granted the unopposed motion for  
13 enlargement of time but denied the motion to appoint counsel. Dkt. 41.

14 On July 23, 2021, Valdez filed a third motion for enlargement of time, again citing  
15 his inability to access the law library. Dkt. 42. Defendants did not oppose another  
16 extension until October 15, 2021. Dkt. 43. The Court granted the motion, allowing  
17 Valdez until October 15, 2021 to file objections. Dkt. 44. Valdez has not filed objections  
18 nor filed a motion for enlargement of time.

19 The Court having considered the R&R and the remaining record, and no  
20 objections having been filed, does hereby find and order as follows:

21 (1) The R&R is **ADOPTED**;

22 (2) Defendants' motion to dismiss, Dkt. 12, is **GRANTED**;

1 (3) Plaintiff's claims are **DIMISSED with prejudice**; and

2 (4) The Clerk shall enter JUDGMENT and close this case.

3 Dated this 8th day of November, 2021.

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6 BENJAMIN H. SETTLE  
United States District Judge